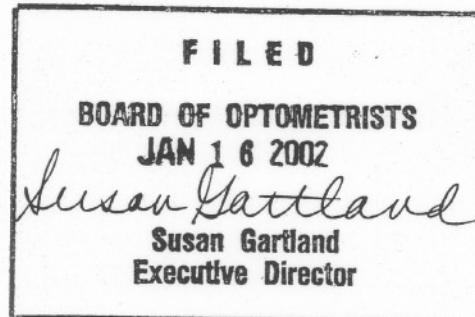


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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF OPTOMETRISTS

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE OF :

Administrative Action

PERRY TOKER, O.D. :
License No. OF OA 005067 :

FINAL ORDER
OF DISCIPLINE

TO PRACTICE OPTOMETRY :
IN THE STATE OF NEW JERSEY :

This matter was opened to the New Jersey State Board of Optometrists upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made.

FINDINGS OF FACT

1. Respondent is an optometrist in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On the 29th day of June, 2001, the Board of Optometrists initiated a random audit of renewal applications for the 1999-2001 period, asking licensees to submit proof with regard to the satisfaction of continuing education requirements for the biennial renewal

period, i.e., sixty (60) credit approved hours, for licensees certified to employ therapeutic pharmaceutical agents ("TPA").

3. Respondent submitted proof of having completed forty-six (46) credit hours of continuing education, which is insufficient to satisfy the continuing education requirement because it falls short of the requisite sixty (60) approved credit hours pursuant to N.J.S.A. 45:12-9.3 and N.J.A.C. 13:38-4.5. Respondent's original submission is attached as Exhibit A.

CONCLUSIONS OF LAW

1. Respondent has not satisfied the requirements of N.J.S.A. 45:12-9.3 with regard to the completion of the appropriate number of approved continuing education credit hours.

2. Respondent is subject to sanctions pursuant to N.J.S.A. 45:1-21(h), failure to comply with the provisions of an act or regulation administered by the Board, which constitutes grounds for suspension or revocation of any certificate, registration or license, and grounds for sanction pursuant to N.J.S.A. 45:1-25.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline suspending respondent's license to practice optometry in the State of New Jersey was entered on October 10, 2001 and a copy served on respondent. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal

setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor. The Provisional Order required the respondent to submit proof of having completed the requisite sixty (60) hours of continuing education credits within sixty (60) days of the Final Order. The respondent submitted proof of attendance of various courses for Board consideration.

Respondent's submissions were reviewed by the Board, and the Board determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was persuaded that the submitted materials merited further consideration, as respondent did not dispute the Findings of Fact or Conclusions of Law.

The materials submitted provided satisfactory proof that the respondent has completed the requisite sixty (60) hours of continuing education credits. The respondent submitted proof of completion of sixteen continuing education credits.

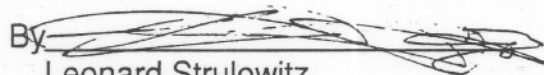
ACCORDINGLY, IT IS on this 16th day of January , 2002,

ORDERED that:

1. Respondent's license to practice optometry in the State of New Jersey be and hereby remains active.
2. The Board acknowledges receipt of payment in full of the civil penalty in the amount of \$1000.

3. The fourteen (14) of the sixteen (16) credits submitted in satisfaction of the Provisional Order of Discipline are not to be credited towards the renewal of the respondent's license for the 2001-2003 renewal period. Thus, the respondent will carry over two (2) credits for the 2001-2003 renewal period.

NEW JERSEY STATE BOARD OF OPTOMETRISTS

By 
Leonard Strulowitz
Board President

Dated: